

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

BUCKNUTS, LLC,

Plaintiff,

vs.

CITADEL PARTNERS, LLC., et al.

Defendants.

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Case No. 3:06cv260

JUDGE WALTER HERBERT RICE

DECISION AND ENTRY OVERRULING DEFENDANTS' MOTION TO
DISMISS (DOC. #9)

The captioned Motion is overruled, given the presence of potential factual issues, without prejudice to renewal in the form of a properly documented Motion for Summary Judgment, after the close of discovery, when the factual issues or lack of same may be thoroughly reviewed. A telephone conference call will be set to establish a trial date and other dates leading to the resolution of this litigation.

/s/ Walter Herbert Rice

September 30, 2007

WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to:
Counsel of Record